IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Crl.MC.No. 3495 of 2003()

CRRP.3/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NILAMBUR

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PETITIONER: 1ST RESPONDENT

PALEMPADIYAN HASSAN S/O. MUHAMMED,
KALLAMOOLA CHOKKAD P.O., KALIKAVU VIA.

BY ADV. SRI.M.P.MUHAMMAD FAZIL
SRI.A.MOHAMED MUSTAQUE

RESPONDENTS: PETITIONERS

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1. THACHANGODAN REMLATH
D/O. VEERANKUTTY, THOTTAKKAD, AMARAMPALAM VILLAGE
NILAMBUR TALUK, MALAPPURAM DISTRICT.

2. STATE OF KERALA REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.K.P.MUJEEB
PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. M.C. No. 3495 OF 2003

Dated this the 6th day of July, 2007

O R D E R

This is a petition filed under section 482 Cr.P.C. by the husband of the first respondent herein challenging the revisional order dated 31.10.2002 passed by the Sessions Court, Manjeri, enhancing the quantum of reasonable and fair provision for maintenance from Rs.42,000/- to Rs.90,000/-. The enhancement was given by the Sessions Court at the instance of the first respondent wife. When this petition came up for hearing today, the learned counsel appearing for the first respondent raised a preliminary objection that this petition filed under section 482 Cr.P.C. is not maintainable since the order passed by the Sessions Court is revisable. I see force in the said submission. The bar under section 397(3) Cr.P.C. is only against the first respondent again approaching the revisional court and it does not apply to the petitioner who was the respondent in the revision filed by the first respondent before the court below. Moreover, the order passed by the Sessions Court amounts to a final order passed in the M.C. and at the instance of the petitioner there is no

bar of revision. Since the order is revisable, this petition under section 482 Cr.P.C. cannot be maintained. This petition is accordingly dismissed without prejudice to the rights, if any, of the revision petitioner to seek appropriate remedies if so advised.

(V. RAMKUMAR, JUDGE)

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V. RAMKUMAR, J.

Crl. M.C. No. 3495 OF 2003

O R D E R

6th day of July, 2007